HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 399 of 2006 (MS)

Badhu Ram s/o Late Sri Tilori (Tharu)
Village Dohra, Tehsil Sitarganj,
District U.S. Nagar ..... Petitioner

Versus

1. Addl. Chief Rrevenue Commission, Circuit Court, Nainital
2. Commissioner, Kumaun Mandal, Nainital
3. District Magistrate, Udham Singh nagar
4. Assistant Collector, Khatima, District Udham Singh Nagar
5. Sri Dayal Singh s/o Sri Mehtab Singh, Village Dohra, Tehsil Sitarganj,
   District Udham Singh Nagar ..... Respondents

Sri B.S. Khanka, Advocate for the petitioner
Standing Counsel for the respondents.

Dated: 19.4.2006

Hon'ble Rajesh Tandon, J.

Heard the learned counsel for the parties.

By the present writ petition the petitioner has prayed for a writ of certiorari quashing the order dated 6.2.2006 by which the 2nd appeal has been admitted.

The grievance of the petitioner is that the appeal is not maintainable. Respondent is directed to decide the appeal along with the preliminary objection with regard to maintainability of the appeal within a period of 15 days after obtaining the certified copy of this order. Any earlier order passed by the

Chief Revenue Commission while entertaining the appeal will not come in the way of the respondent. The present appeal shall be decided in accordance with the provision of the U.P.Z.A. & L.R. Act.

However, it is further directed that if there is no stay against the order dated 30.1.1996, liberty is given to the petitioner to proceed for its execution in accordance with law.

Subject to the observation made above, writ petition is disposed of. No order as to costs.

Dated:19.4.2006 **Rajesh Tandon, J.**
*Dhyani